

INQUIRY CONCERNING A JUDGE NO. 03-119
RE: JUDGE DAVID M. GOODING

CASE NO. SC04-133

STIPULATION

In this disciplinary proceeding, the Investigative Panel of the Florida Judicial Qualifications Commission (the "JQC") and Circuit Court Judge David M. Gooding ("Judge Gooding") present the following stipulation to this Court pursuant to Article V, Section 12 of the Florida Constitution and Rule 6(j) of the Florida Judicial Qualifications Commission Rules as amended.

1. Under Rule 6(j), the Investigative Panel "may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted directly to the Supreme Court, to accept, reject or modify in whole or in part."

2. A Notice of Investigation was served on Judge Gooding on October 23, 2003. Judge Gooding submitted a Reply to the Notice of Investigation on November 26, 2003. A hearing before the Investigative Panel was held in Tampa, Florida on December 12, 2003 at which Judge Gooding appeared and testified.

3. A Notice of Formal Charges was filed by the Investigative Panel and served on Judge Gooding on February 5, 2004. Judge Gooding answered Formal Charges 1 and 2 and moved to dismiss Formal Charges 3 and 4 on March 1, 2004.

4. After an extensive review of the record, including the hearing transcript, Judge Gooding's responses and memoranda of informal witness interviews, the Investigative Panel respectfully submits that the interest of justice and sound judicial

administration are best served by entering into this Stipulation regarding the matters at issue and by the Findings and Recommendations that accompany this Stipulation.

5. The violations charged arise from Judge Gooding's handling of his campaign finances and campaign account during his successful campaign for the circuit court judgeship he now holds.

6. Judge Gooding admits the following conduct, and the impropriety of that conduct, as follows:

- a. During the campaign, you incurred campaign expenses at a time when your campaign account did not have sufficient funds to cover those expenses in violation of § 106.11, Florida Statutes, and Canons 1, 2, 6B and 7; and
- b. After the campaign, you loaned your campaign substantial sums and deposited such funds in your campaign account after the deadline for depositing money into that account, in violation of § 106.08, Florida Statutes, and Canons 1, 2, 6B and 7.

7. Judge Gooding accepts full responsibility for the conduct set forth above, admits that it should not have occurred, regrets and apologizes for such conduct, and agrees to a public reprimand before this Court.

8. The Investigative Panel and Judge Gooding have reached an agreement for a public reprimand, which both believe is appropriate discipline under the circumstances. Consequently, the Investigative Panel has filed Findings and Recommendations of Discipline with the Court. A true and correct copy is attached hereto. Judge Gooding does not contest the Findings and Recommendations and

waives a plenary hearing before the Hearing Panel of the Florida Judicial Qualifications Commission.

9. The parties acknowledge and understand that this Stipulation and attached Findings and Recommendations of Discipline are subject to the review and approval of this Court. The parties acknowledge and understand that this Stipulation and Findings and Recommendations of Discipline may be rejected by the Court, and in that event this matter may be returned to the Hearing Panel for a final plenary hearing. In such an event, the parties agree that none of the statements in the Stipulation (or the attached Findings and Recommendations of Discipline) are admissible in that hearing for any purpose. The parties further agree that none of the negotiations related to this Stipulation are admissible for any purpose.

10. The parties agree that oral argument before this Court is not necessary in light of the record, the nature of the charges and the contents of this Stipulation and the attached Findings and Recommendation of Discipline. As noted above, Judge Gooding waives his right to further hearings if this stipulation is accepted.

Dated this ____ day of _____, 2004.

[signatures appear on next page]

Respectfully submitted,

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